

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STEVEN VANCE and TIM JANEYK, for  
themselves and others similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

No. 2:20-cv-01082-JLR

STIPULATION AND  
[PROPOSED] ORDER  
MODIFYING SCHEDULING  
ORDER

**NOTE ON MOTION  
CALENDAR:** January 10, 2022

The parties, by and through their counsel, stipulate and agree as follows:

1. Plaintiffs Steven Vance and Tim Janecyk and Defendant Microsoft Corporation, by their attorneys, submit this Stipulation to modify the Scheduling Order in this case (Dkt. 69) to extend the deadline for Plaintiffs' Reply Brief in support of their class certification motion ("Plaintiffs' Reply") from January 13, 2022 until January 18, 2022.

2. On August 31, 2021, the Court entered a modified scheduling order that requires Plaintiffs to file Plaintiffs' Reply on January 13, 2022. Dkt. 69.

3. In connection with Microsoft's response to Plaintiffs' class certification motion, it submitted the declaration of its expert witness, Margaret Daley. Dkt. 83.

4. The parties have reached agreement that Daley will be deposed on January 11, 2022. Because of the proximity of Daley's deposition to the current date for Plaintiffs' Reply, the parties have agreed to extend the date for Plaintiffs' Reply to January 18, 2022.

5. Fed. R. Civ. P. 16(b)(4) provides that "a schedule may be modified only for good cause shown and with the judge's consent." Fed. R. Civ. P. 16(b)(4). LCR 16(b) further provides that "[a] schedule may be modified only for good cause and with the judge's consent." LCR 16(b).

STIPULATION MODIFYING SCHEDULING ORDER  
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LYNCH CARPENTER LLP  
111 W. Washington Street, Suite 1240  
Chicago, Illinois 60602  
T: (312) 750-1265; Fax: (724) 656-1556

6. The parties agree that good cause justifies this modification of the scheduling order. Plaintiffs contend the filing of Plaintiffs' Reply on January 13, 2022, as originally scheduled, would impede Plaintiffs' ability to incorporate Daley's testimony into the reply and to otherwise respond to Microsoft's assertions based on Daley's opinions. Further, because the Court has deferred ruling on Plaintiffs' Motion for Class Certification until after it has decided Microsoft's Motion for Summary Judgment (*see* Dkt 98), there will be no prejudice from this short extension to file Plaintiffs' Reply.

IT IS SO STIPULATED.

DATED this 10<sup>th</sup> day of January, 2022.

LYNCH CARPENTER LLP  
Attorneys for Plaintiffs

By s/ Nicholas R. Lange  
Gary Lynch, ISBA #56887 (*pro hac vice*)  
Katrina Carroll, ISBA #6291405 (*pro hac vice*)  
Nicholas R. Lange, ISBA #6318106 (*pro hac vice*)  
111 West Washington Street, Suite 1240  
Chicago, Illinois 60602  
312-750-1265  
[gary@lcllp.com](mailto:gary@lcllp.com)  
[katrina@lcllp.com](mailto:katrina@lcllp.com)  
[nickl@lcllp.com](mailto:nickl@lcllp.com)

LOEVY & LOEVY  
Attorneys for Plaintiffs

By s/ David B. Owens  
David B. Owens, WSBA #52856  
100 S. King Street, Suite 100  
Seattle, WA 98104  
Telephone: (2312) 243-5900  
Fax: (312) 243-5092  
E-mail: [david@loevy.com](mailto:david@loevy.com)

Scott Drury, ISBA #6255867 (*pro hac vice*)  
Mike Kanovitz, ISBA #6275233 (*pro hac vice*)

311 N Aberdeen 3rd Floor  
Chicago, IL 60607  
312-243-5900  
Email: [drury@loevy.com](mailto:drury@loevy.com)  
[mike@loevy.com](mailto:mike@loevy.com)

DAVIS WRIGHT TREMAINE LLP  
Attorneys for Defendant Microsoft Corporation

By s/ Stephen M. Rummage  
Stephen M. Rummage, WSBA #11168  
Xiang Li, WSBA #52306  
920 Fifth Avenue, Suite 3300  
Seattle, WA 98104-1610  
Telephone: (206) 757-8136  
Fax: (206) 757-7136  
E-mail: [steverummage@dwt.com](mailto:steverummage@dwt.com)  
[xiangli@dwt.com](mailto:xiangli@dwt.com)

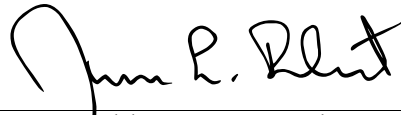
MORGAN LEWIS & BOCKIUS LLP  
Attorneys for Defendant Microsoft Corporation

By s/ Elizabeth B. Herrington  
Elizabeth B. Herrington, ISBA #6244547  
(*pro hac vice*)  
Alex Berger, ISBA #6320296 (*pro hac vice*)  
110 North Wacker Drive, Suite 2800  
Chicago, IL 60606-1511  
Telephone: (312) 324-1000  
E-mail: [beth.herrington@morganlewis.com](mailto:beth.herrington@morganlewis.com)  
[alex.berger@morganlewis.com](mailto:alex.berger@morganlewis.com)

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

DATED this 10th day of January, 2022.



Honorable James L. Robart  
United States District Judge